

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

664I0708

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1258** - 03/03/2003

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Cutler, Cradduck, Gillespie, O'Brien, and Williamson and  
Senators Olson (Ed), Dempster, Duxbury, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to allow telecommunications companies and motor carriers  
2 to appear before the Public Utilities Commission without legal counsel in certain cases, to  
3 require subscriber authorization of certain automatic renewal provisions in  
4 telecommunications service contracts, and to authorize certain rule making.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That chapter 49-13 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 In any complaint to the commission by any person claiming to be damaged by any  
9 telecommunications company or motor carrier in which damages in the amount of three thousand  
10 dollars, or less, are claimed, any corporation, cooperative corporation, limited liability company,  
11 or limited liability partnership may represent itself through a designated employee without any  
12 requirement of representation by legal counsel.

13 Section 2. That § 49-31 be amended by adding thereto a NEW SUBDIVISION to read as  
14 follows:



1        In addition to the authorizations for types of service required by § 49-31-92, any contract  
2        for a service enumerated in that section for a term greater than one year which contains a  
3        provision for automatic renewal shall contain a separate authorization from the  
4        telecommunications service subscriber specific to that provision. The telecommunications service  
5        subscriber's authorization shall be evidenced either by a written authorization signed by the  
6        subscriber or by the use of an independent third-party verification company which complies with  
7        the provisions of §§ 49-31-90 and 49-31-91, or by any other means authorized by the  
8        commission. A subscriber is not liable for any charges imposed by a telecommunications  
9        company that bills for a service based on an unauthorized automatic renewal of a contract for  
10       service. In addition, the telecommunications company that initiates the billing based on an  
11       unauthorized renewal shall pay to the subscriber one thousand dollars. The commission may  
12       promulgate rules pursuant to chapter 1-26 concerning procedures, requirements, and standards  
13       for evidencing a telecommunications service subscriber's authorization provided in this section.